

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

STRATTON PEAY, Plaintiff	:	Civil No. 3:15-cv-00345
	:	
v.	:	(Judge Mariani)
	:	
SUPERINTENDENT J. FISHER, <i>et al.</i> , Defendants	:	

MEMORANDUM

Plaintiff, Stratton Peay, an inmate formerly confined at the Smithfield State Correctional Institution, ("SCI-Smithfield"), in Huntingdon, Pennsylvania, initiated the instant action pursuant to 42 U.S.C. § 1983. (Doc. 1). The matter is proceeding *via* an amended complaint. (Doc. 17). Presently pending before the Court is Plaintiff's motion seeking recusal of the undersigned. (Doc. 54).

Plaintiff contends that this Court should recuse itself because he has filed several motions which were not ruled upon. (Doc. 54, p. 1). Plaintiff also asserts that this Court is biased against him. (*Id.* at p. 2).

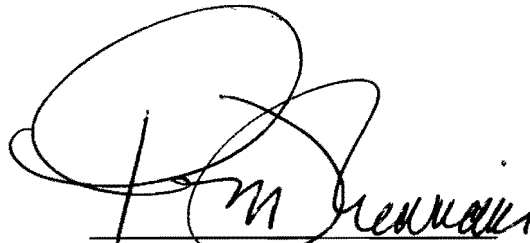
It is initially noted that several of Plaintiff's motions were ruled upon by this Court. See (Docs. 29, 51, 53). Moreover, a Court's rulings in a particular case will not support a request for recusal. *United States v. Veteto*, 701 F.2d 136, 140 (11th Cir. 1983). Rather, recusal is only appropriate when it appears that a judge has "bias generated from a source outside the context of the judicial proceeding." *Id.* A court should recuse itself only if it is

shown that the judge's impartiality might reasonably be questioned. *BML Group v. U.S. Pizza*, 1991 WL 259224 *1 (E.D. Pa. 1991).

This Court has no bias against Plaintiff and his instant request appears to merely represent his dissatisfaction with prior rulings made by this Court, and his erroneous statement that the Court has not ruled upon pending motions. To the extent that Plaintiff merely disagrees with this Court's prior rulings, such disagreement does not support his claim of bias and is not a sufficient basis for recusal. *Securacomm Consulting, Inc. v. Securacom Inc.*, 224 F.3d 273, 278 (3d Cir. 2000). Since Plaintiff has not set forth any sufficient reasons to warrant the assignment of a new judge, his motion for recusal will be denied.

An appropriate Order follows.

Date: November 17, 2015

A handwritten signature in black ink, appearing to read "R. Mariani", is written over a horizontal line.

Robert D. Mariani
United States District Judge